

Edg (1947) Department.

Rs

SERIES.

G.O. NO.

41

Edw

Dated

10.7.1947

13

[Despatch Abstract.]

Tax - Education - Municipal Council, Coonoor - Levy on
South Indian Railway Administration - Notification of Government
of India - Republished.

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Copy of letter from the Municipal Commissioner, Coonoor R.S. to the Secretary to Government, Local Administration Department, Fort St. George, Madras through the Collector of the Nilgiris through the Chairman Municipal Council, No. R.C.A.1.4048/45 dated 14th May 1946.

Sub:-- Tax-property - Railway buildings and lands - Revision of rates of taxes - Issue of notification under Section 3(1) of the Railways (Local Authorities' Taxation) Act 1941 - requested.

The general property tax levied by the Coonoor Municipality prior to 31st March 1941 was 9½% half-yearly composed of 5% towards general purpose and 3½% towards water and drainage and ½% scavenging tax. From 31st March 1941 the rates of the component taxes were varied to 6% towards general purpose 2½% water and drainage and ½% scavenging tax though the total remained the same. In 1943 an educational tax 1/6 % half-yearly was levied as a surcharge on a property rentals. By G.O. No. 6962/A dated 28th March 1944 and G.O.M.S. 393 Education dated 11th March 1944 the rate of property tax was increased from 1-4-44 to 7/12 % half-yearly composed of 8% towards general purpose 1½% towards water and drainage, ½% for scavenging and 1/3% education tax.

The Railway buildings and lands lying within municipal limits were assessed to property tax prior to 31st March 1937 at 8½% half-yearly (6% general purpose and 3½% water and drainage). This was reduced to 7 7/18 % on 1st October 1942 when the Collector granted partial exemption of water and drainage tax in his proceedings R.Dis. 5140/42 dated 30-11-42 and R. 11597/43 dated 8th April 1943. This 7 7/18 % was composed of 6% for general purpose and 1 7/18 % for water and drainage. No scavenging tax was levied on Railway buildings as they had made arrangements for removal of filth and rubbish into receptacles kept in their premises. The increase in the rate of property tax was given effect to in the case of Government buildings from 1st April 1944. It could not be given effect to in the case of railway buildings and lands in view of the directions issued in G.O. No. 544 L.A. dated 12-2-1942. The tax on Railway buildings and lands remain the same as on 1st October 1942. Neither the increase in the component for general purposes of 2% or the new levy of education tax 1/3% were given effect to in the case of railway buildings and lands with effect from 1st April 1946.

The South Indian Railway Administration have, in this town not only their station, permanent way and loco sheds but also an extensive colony of residential houses including a hospital and sanatorium buildings and recreation Club for their staff. These enjoy the increased amenities provided by the council such as mentioned hereunder.

In the circumstances, I request that the Provincial Government may be pleased to move the Central Government to issue a notification under section 3(1) of the Railway (Local authorities Taxation) Act 1941 appended to G.O. No. 544 L.A. dated 12-2-1942 declaring the South Indian Railway Administration liable to pay property tax to this Municipality at 9 5/6 % composed of 8% for general purposes 1½% towards water and drainage and 1/3% education tax halfyearly.

The particulars required in para (3) of 544 L.A. dated 12-2-1942 are furnished hereunder.

Details of particulars.

- (1) South India Railway Administration.
- (2) 221 building comprising of residential and non-residential buildings.
- (3) Extent 76.732 acres.
- (4) Property tax levied under section 81(1) of the District municipalities Act V of 1920 as amended.

Rates of tax proposed to be levied.

- (1) Tax for general purposes 8% halfyearly
 - (2) Tax for water and drainage 1½ % halfyearly.
 - (3) Education tax 1/3% half yearly.
- Total 9 5/6 % half-yearly

(5). Estimate ~~and~~ existing taxes per annum. Estimated taxes proposed to be levied per annum.

(a) General purpose.	Rs.1896.	Rs.2528
(b) Water and drainage	439	863
(c) Education tax	Nil.	106
Total	2335	2697

(6) Nature and extent of benefits derived by the Railway Administration from the Municipal services.

(a) protected water is supplied by the municipality for all domestic purposes. Separate arrangements have been made by the Railway Department for water supply for loco purposes only from the Coenoch stream.

The internal drainage arrangements are made by the Railway in their colony but the drainage is finally let into the municipal drains.

(b) Education 45 boys and 15 girls from the Railway colony attend the Municipal Higher Elementary school and they receive their education free of charge. There are no schools in the Railway colony nor any maintained by the Railway.

(c) Public Health.

The following are the services rendered to the railway employees:--

1. Registration of births and deaths.
2. Services of trained midwives and Health Visitor.
3. Vaccination
4. Treatment of smallpox and chicken pox cases.
5. Anti-plague and anti-Typhoid measures such as fumigation, rat-destruction and inoculation etc.
6. Removal of filth and rubbish from receptacles kept in the Railway premises.

The Council's resolution to move the Provincial Government to revise the rate of taxes as above from 1-4-46 is enclosed herewith.

Note to the Council

Railway properties have been assessed to property tax at 6% towards general purpose and 2½% water and drainage halfyearly for the past about 5 or 6 years. Education tax was levied at 1/6% half-yearly during 1943-44 and it is being levied at 1/3% half yearly from 1st April 1944 onwards on all buildings except railway buildings. The tax towards general purpose is being levied at 8% halfyearly and at 1½% towards water and drainage from 1st April 1944. According to G.O.No.544 L.A. dated 12-2-1942 new taxes and increased rates of taxes given effect after 31st March '37 should not be levied on railway buildings until a notification is published by the Central Government entitling the Railway Administration to pay such increased rates of tax. The Inspector of Municipal Councils ~~xxxxxx~~ who was consulted in the matter has replied that it is open to the municipality to move the Central Government in the matter. The Railway Administration is the only body which is paying taxes at 8½% as against 9½% levied on all other properties including Government property with effect from 1st April 1944. Hence the question of revising the rate of tax from 8½% to 8% towards general purpose and levying education tax at 1/3% halfyearly on Railway buildings as is being levied on all other properties may be considered by the Council. If the Council decides to revise the taxes as above, the date from which effect has to be taken may be specified i.e. either from 1st April 1945 or 1st April 1946. Under Rule 4 of Schedule IV to the District Municipalities Act the Council can revise the taxes from 1st April 1945. On the decision of the Council, the Madras Government will be addressed to move the Central Government to issue a notification entitling the

entitling the Railway Administration to pay the increased rates of taxes.

(Truecopy)

Extract from the proceedings of an ordinary meeting of the Municipal Council, held on Wednesday the 16th January 1946 at 11 A.M.

4139. Read Office note dated 5th January 1946 regarding the levy of property tax on Railway buildings at 8% halfyearly towards general purpose as against the existing rate of 6% and at 1/3% halfyearly on account of Education tax as is being levied on all other properties including Government buildings. Council's decision in the matter is requested. If proposed to revise as above the date from which effect is to be given may be fixed.

The Council resolves to revise and move the Provincial Government to revise the rate from 1st April 1946.

(Truecopy)

Superintendent.

Submitted to the Secretary to Government Local Administration Department, Madras.

The Railway buildings and lands lying within the Coonoor Municipal limits were assessed to property tax prior to 31st March 1937 @ 8½% half yearly (5% General purposes and 3½% of water and drainage).

In this office proceedings R.Dis.5140/42 dated 30th November 1942 it was ordered that 2/3rd of water tax and 1/3rd of drainage tax should be collected from the Railway Administration in accordance with the formula in G.O.No.2043. Public Health dated 5-3-1935. According to the above order the tax collected from the Railway Administration was (6% General purposes and 1 7/18% of water and drainage).

No scavenging tax was levied by the Municipality as the Railway Administration have made their own arrangements to remove rubbish and other things in their premises.

The Coonoor Municipal Council reports that the Railway Administration derives much benefits by the Municipality and resolves to revise the rate of taxes from 1st April 1946 as below:-

1. Tax for General purpose 8% half yearly.
2. Tax for water and drainage 1½%
3. Education tax 1/3% half yearly.

The Railway Administration was referred to in the above matter and they have no objection to the proposed levy for education tax on Railway properties by the Coonoor Municipality. The requests that the Municipality should give exemption of 1/3rd of the water tax and 2/3rds of drainage tax, in case the rate of taxes is enhanced. This may be granted.

7 Copies of the references A.M.4860/25/III dated 28-9-46 And A.M.4860/25/3 dated 16-10-46 of the General Manager, South Indian Railway, are enclosed. Copies of this office proceedings R.Dis. 5140/42 dated 30-11-42 and B.I.No.1395/43 dated 29-3-43 are also enclosed.

Sd/-
For Collector.

Copy of the letter No.A.M.4860/25/III from the General Manager South Indian Railway, Trichinopoly dated 28th August 1946.

PROPERTY TAX AND EDUCATION TAX- Levy in Railway properties-by the Coonoor Municipality.

Ref:-Your letter Rc.B.1.No.4270-46 dated 17th June 1946.

With reference to your letter quoted above, I have to inform you that, on a representation made by the Madras Government, the Government of India, are considering the question of issuing revised notifications to enable the Municipalities and Panchayat Boards to levy taxes in railway properties at enhanced rates introduced after 31-3-37. In this connection it is pointed out that even after a revised notification is issued the Coonoor Municipality should continue to give 1/3 of the water tax and 2/3 of the drainage tax granted by you in your proceedings No. R.Dis.5140-42 dated 30-11-1942.

2. As regards the proposed levy of education tax on Railway properties at 1/3% per half year, I am addressing the District Engineer of this Railway at Podanur, on the subject. A further communication will follow on receipt of a reply from him.

(True Copy)

Letter No.A.M.4860/25/3 from the General Manager
dated the 16th October 1946.

Proposed levy of education tax on Railway properties by the
Coonoor Municipality.

This office letter No.A.M.4860/25/III of 28th August 1946.

Adverting to para 2 of this office letter quoted above, I
have to inform you that this Administration has no objection
to the proposed levy of education tax on Railway properties by
the Coonoor Municipality.

(True Copy)

Copy of this office proceedings R.Dis.No.5140-42 dated 30th
November 1942.

ASSESSMENT-Water and drainage tax-Coonoor Municipality-Railway
property situated within the Municipality-payment-Exemption
claimed by the Railway Administration-Orders passed.

Read:-1-Letter No.A.M.840 dated 17-10-46 from the Agent and General
91-12

Manager, South Indian Railway, Trichinopoly.

2. From the Commissioner, Coonoor Municipal Council, No.A.1
6549/42 dated 25th November 1942.

Order

This is an application under section 135(2) of the Indian
Railways Act, 1890 by the Agent and General Manager, South Indian
Railway, Trichinopoly for determining the question of proportion-
ate exemption from water and drainage tax which the Railway
Administration is entitled to get from the Coonoor Municipality
in accordance with the formula prescribed in G.O.No.2043,P.H.
dated 5-8-1935 in respect of Railway properties situated within
the Coonoor Municipality.

2. The Agent and General Manager, South Indian Railway con-
tends that the Railway is entitled to an exemption of 1/3 of the
direct benefit from the Municipal water supply system (Water
being used only for drinking purposes) and no benefit from the
drainage system (the Railway having made its own arrangement for
drainage by its premises). The Commissioner, Coonoor Municipality
agrees with the contention of the Agent and General Manager as
regards the benefit derived.

3. In the circumstances, the Collector orders that 2/3rd
of the water tax and 1/3rd of the drainage tax is liable from
the Railway Administration in accordance with the formula given
in G.O.No.2043 P.H.dated 5-8-35. As the G.O. has effect from
1.4.35, the excess tax collected by the Coonoor Municipality from
the Railway Administration from 1-4-35 should be refunded.

(True Copy)

Copy of this office proceedings B.1.1395-43 dated 29-3-42.

Assessment-Water and Drainage tax-Coonoor Municipality-Railway
property situated within the Municipality-payment-Exemption.

Ref:-1.This office proceedings R.Dis.5140-42 dated 30-11-42.

2. G.O.Ms.842 L.A.,dated 18-1-43.

In partial modification of this office proceedings R.Dis.
5140/42 dated 30-11-42, the South Indian Railway Administration
will be entitled to the refund of excess tax paid only with
effect from the half year commencing 1-7-1942.

(True Copy)

Sd/-
For Collector.

Superintendent.

GOVERNMENT OF MADRAS. Local Administration Department

Memorandum:- No.36042-1A.,dated 19th November 1946.

Sub:-Tax-Property-Coonoor Municipal Council-levy on South Indian
Railway at enhanced rates.

Ref:-From the Commissioner, Coonoor Municipality 4048-45-45
dated 14th May 1946.

From the Collector of Nilgiris 4270-46 dated 30th October
1946.

The Commissioner, Coonoor Municipality is informed that the
Government of India have been addressed for the issue of revised
notifications under Section 3(1) of the Railways Local Authorities
Taxation Act 1941 to enable the municipalities and panchayat
boards to levy taxes on Railway administrations at the enhanced
rates introduced after 31st March 1937 and the issue of the noti-
fications by the Government of India is awaited. Pending the
re-issue of the notifications the general property and water and
Drainage taxes cannot be levied on the Railway administration
at the enhanced rates introduced after 31st March 1937.

S.Narasinga Rao,
Assistant Secretary to Government

BYZXXXX.

To the Commissioner, Coonoor Municipality through Chairman Municipal
Council.

To the Collector of Nilgiris

Copy to Education and Public Health Department (with enclosures) to
take action regarding education Tax.

Br.20.11

Note:--

Government of India have been addressed for the
re-issue of notification relating to Coonoor
Municipality for the levy of General property and
Water and Drainage tax only. Education and Public
Health may take necessary action regarding education
tax. A copy of this note and copy of C.F. may be
sent to Education and Public Health. Draft on above
is for approval.

S.N.
19/11/46

Government of India have been addressed for the
 review re-issuance of notification relating to General
 Municipality for the levy of General property and
 Water and Drainage tax only. Education and Public
 Health may take necessary action regarding education
 tax. A copy of this note and copy of G.O. may be
 sent to Education and Public Health Dept. on
 for approval.



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 6/11/46

20/11/46

2 copy of letter of S.M.
 S.I.R. 16-10-46
 at Mian pbc.f.

Letter No. 71543 C-1/46-1 Edn. d/3/12/1946
 Ry

To The Secretary to the Govt of India
 Railway Department
 (Railway Board)
 New Delhi
 (with enclosure)

Sir,
 Sub: Tax - Education - M. C.
 Conroy - Ruryan S.T. Railway.
 I am directed to request that the
 Railway Board be so good as to issue a
 notification under section 3(1) of the
 Railways (Local Authorities' Taxation)
 Act 1941 declaring the S.T. R. Admin.
 liable to education tax levied by the
 Conroy Tel. d.

2/2

X' on page

60x26-11-0

Copy of letter
 to be sent to
 Mian pbc.f.

2/2

2. It is reported that sixty
 children of the local railway employees
 are reading in the m. sly schools. The
 cost of imparting education to these
 children comes to about Rs. 1,600 against
 which the Railway Administration will
 have to pay only a sum of Rs. 106 as education
 tax per annum if declared liable to
 pay the tax. This Govt. consider that the
 levy of education tax on the Railway
 Administration is full justifiable

Mian pbc.f.

3. The General Manager of the
 Railway Administration had agreed to
 the proposal. A copy of his letter
 No. A.M. 4860/25/3, dated 16-10-1946 is
 enclosed herewith.

4 I am to request that a

GOVERNMENT OF INDIA
RAILWAY DEPARTMENT
(Railway Board)

No. FXII-46/TX7(3). New Delhi, dated the 2nd January 1947.

NOTIFICATION.

In pursuance of sub section (1) of section 3 of the Railways (Local Authorities Taxation) Act, 1941 (XXV of 1941), the Central Government is pleased to declare that the Administration of the South Indian Railway shall be liable to pay in aid of the funds of the local authority set out in Column I of the Schedule annexed hereto the tax specified in Column II thereof.

Schedule

Local Authority I	Tax II
COONOOOR Municipality	Education tax

V. NILAKANTAN

Secretary, Railway Board.

No. FXII46/TX7(3) dated 2nd January 1947.

Copy forwarded to the Manager, Government of India Press for insertion in Part I-Section I of the Gazette of India.

By order,

Sd/- S. M. Raza.

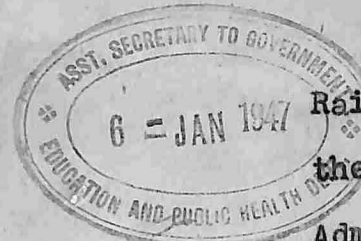
Deputy Director, Railway Board.

No. FXII46/TX7(3) dated 2nd January 1947.

Copy forwarded to the Secretary to the Government of Madras, Education & Public Health Department, with reference to his letter No. 71543C-1/46-1 Education, dated the 3rd December, 1946.

By order,

[Signature]
for Secretary, Railway Board.



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Copy to the General Manager
S.T. Railway,
Kichynopoly
" " " Commishoner
Coonoor M.C.
(tho' the C.M.C.)

M'm p'se
and para 6 of
the Collector's
letter no p'se

Notification may be issued at an early date declaring the ^{South Indian} Railway Administration liable to the education tax levied by the Coonoor M.C.

2/12/45
2/12/46

2/12/46

Note. The G.M., S.T. Railway when consulted by the Collector of the Nilgiris has stated that he has no objection to the levy of education tax on Railway properties by the Coonoor M.C. It seems unnecessary for Govt to consult the Railway Administration again in the matter. The Govt of India may be addressed for the issue of a notification. The draft on pp 1-2 above is for approval.

2/12/46
2/12/46

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No.FXII46/TX7(3). dated January 1947.

pp9-10
ante

Copy with a copy of the Madras Government's letter No.71543C-1/46-1 Education, dated the 3rd December 1946, forwarded to General Manager, South Indian Railway.

By order,

Sd/- S. M. Raza.

Deputy Director, Railway Board.

No.FXII46/TX7(3) dated January 1947.

Copy forwarded to the Chief Auditor, South Indian Railway, for information.

By order,

Sd/- S. M. Raza.

for Financial Commissioner of Railways.

B.
2/1/47.

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1/8/47

4/1/47

C.F. 32 (a).

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Department

Received.....Registered.....

From (Name)

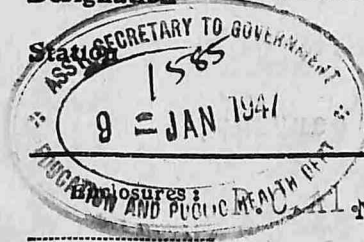
Sri M. Govinda Menon B.A., B.L.,

Designation

Municipal Commissioner,
Coonoor R.S.

To

The Secretary to Government,
Education & Public Health Dept
Fort St. George.
Through the Chairman, C.M.C.



No. 4794/46

dated 4th January 1947.

Sir,

Sub:-- Tax- property- Education tax -levy on Railway buildings.

pp 9-10 g (a)

Ref:-- Your letter No. 71543-C-1/46-1 Edn. dated 3rd December 1946 addressed to the Government of India and copy sent to this office.

p2 infra

The Council in its resolution No. 4139 dated 16-1-1946 copy submitted herewith, resolved to levy Education tax on Railway buildings at 1/3% half-yearly with the sanction of Government with effect from 1st April 1946.

pp 9-10 g (a)

In pursuance of the above request, the provincial Government had moved the Central Government for a notification ^{enforcing} endorsing the liability for paying educational tax

p.t.o.

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on railway buildings. The date from which the tax is to be levied may also be made clear in the notification. As per the Council's resolution, the council's request is to levy the tax from 1-4-1946. If deemed fit, this date may be adopted.

Forwarded.

Your obedient servant,

B. Samanna

Chairman C.M.C.

H. Vinodan
Commissioner.

Extract from the proceedings of an ordinary meeting of the Municipal Council, Coonoor, held on Wednesday the 16th January 1946 at 11 A.M.

4139. Read office note dated 5th January 1946 regarding the levy of property tax on railway buildings at 8% half-yearly towards general purpose as against the existing rate of 6% and at 1/3% half-yearly on account of Education tax as is being levied on all other properties including Government buildings. Council's decision in the matter is requested. If proposed to revise as above the date from which effect is being to be given may be fixed.

The Council resolves to revise and moves the Provincial Government to revise the rate from 1st April 1946.

Expt

(A true extract)

The Railway Board has since issued a notification declaring the S.I.R. Admin. liable to pay edu. tax. A draft put up in the C.M.C. is under consideration. This may be sent till 19.1.47

H. Vinodan
Commissioner.

FD
Dees place
25/1
C.No. 1585C-1/47
pp 1-2 of

p 15 of (a)

*To the Commr.,
Coonoor Mty.
(Thru the C.M.C.)*

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25/1

(a)

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11
EXP. H CC-1/19
Tax - Education - M.C. Coonoor
Levy on S.I.R. Administration.

From the Commr, Coonoor Mty, R.C. Al.
No. 4794/46 d/4.1.47.

Memo: No. 1585C-1/47-1 Edn. d/25/1/47

The attention of the Commr, Coonoor Mty, is invited to G.O. No. 41 Edn. d/10.1.47. He is informed that the S.I.R. Administration will be liable to pay the Education tax to the M.C. only from the current half-year.

25/1/47

25/1/47

Note. For a precedent please see the memo on p. 15 of G.O. 1684 Edn. d/2.9.46, also the notes on pp 3-4 of the

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presumed that the council is entitled to levy Education tax
on South Indian Railway property at Coonoor at 1/3 % half-
yearly with effect from 1st April 1946 as per council's
resolution No. 4139 dated 16-1-47 submitted to Government
already which may kindly be made clear.

Your obedient servant,

Commissioner-delegate.
22/1/47

Forwarded.

S. Chait Sait

Chairman C.M.C. V.V. 24-1.

31/12
Tax - Education - Mr. C. Coonoor -
Levy on S.I.R. Administration.
C. No. 5930 C-1/47 From the Commr. Coonoor City.
R.C. A1. No. 4994/46 d/23.1.47.
Memo: No. 5930 C-1/47-1 Edn. d/1/2/47.
The attention of the Commr.
Coonoor City, is invited to Govt. Memo:
No. 1585 C-1/47-1 Edn. d/25.1.47. He is
also informed that the Education tax
should be levied on properties belonging
to the S.I.R. Administration at the
rate at which it is being levied on
other properties in the Municipality.
To the Commr.
Coonoor City
(Thru the C.M.C.)
22/1/47
22/1/47
22/1/47

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~~31/18~~

in the morning

~~31/18~~

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